

REMARKS

Claims 1, 2, 4-11, 13-15, 17, 18, 20-16, 28-31, 33-36, 51, 52, 54-57, 59 and 73-80 are pending in the application. Reconsideration is respectfully requested in light of the following remarks.

Section 103(a) Rejection:

The Examiner rejected claims 1, 2, 7-11, 17, 18, 21-26, 33, 34, 51, 52, 56 and 57 under 35 U.S.C. § 103(a) as being unpatentable over Brandle et al. (U.S. Patent 5,218,699) (hereinafter “Brandle”) in view of Roth et al. (U.S. Patent 6,285,987) (hereinafter “Roth”), claims 35, 36, 54, 55, 28, and 73-76 as being unpatentable over Brandle in view of Roth and further in view of Anderson, et al. (“Professional XML”) (hereinafter “Anderson”), claims 15 and 31 as being unpatentable over Brandle in view of Roth and further in view of Cuomo (U.S. Patent 6,185,614), claims 77-80, 4 and 20 as being unpatentable over Brandle in view of Roth and further in view of Humpleman et al. (U.S. Patent 6,466,971) (hereinafter “Humpleman”), and claims 5 and 6 as being unpatentable over Brandle in view of Roth and Humpleman and further in view of Anderson. Applicants respectfully traverse these rejections for at least the reasons presented below.

Regarding claim 1, Brandle in view of Roth fails to teach or suggest storing the generated results data to space service in the distributed computing environment. The Examiner argues that queue 116 of Brandle is a space service. However, Brandle clearly describes queue 116 as a local software queue, not as a service in a distributed computing environment. The Examiner contends that queue 116 “stores generated results data, which provides a queuing service.” However, a simple software queue, such as queue 116 is not a service in a distributed computing environment, as services are understood in the art. **No one of ordinary skill in the art would consider Brandle’s queue 116 as a *space service in a distributed computing environment*.** Additionally, Roth also fails to each storing generated results data to space service in a

distributed computing environment and thus, Brandle and Roth, whether considered singly or in combination, clearly fail to teach or suggest storing the generated results data to space service in the distributed computing environment.

In the Response to Arguments, the Examiner again argues that Brandle's queue 116 "is a space service in the distributed computing environment since the results and information were passed from one service to the other." **However, the Examiner's interpretation of Brandle is incorrect.** Brandle clearly describes that a local node uses a queue 116 to **locally** store received results "for later retrieval by the application" executing on the same node. Using a local queue to locally store information for retrieval by a local application does not in any way teach or suggest using a space service in the distributed computing environment.

In further regard to claim 1, Brandle in view of Roth also fails to teach or suggest providing an advertisement for the stored results data to the client, where the advertisement comprises information to enable access by the client to the stored results data and the client accessing the stored results data from the space service in accordance with information in the provided advertisement. The Examiner admits that Brandle fails to teach this limitation and relies upon Roth, citing column 3, lines 35-40, column 4, lines 58-62 and column 6, lines 7-11. Roth teaches a system for providing commercial advertisements from a central server to viewers who access web sites. **However, Roth's system is concerned with providing *commercial* advertisements on web pages and has nothing to do with Brandle's remote procedure call system or Applicants' invention.** Roth's system evaluates, in real time, bids from different commercial advertisers in order to determine which particular commercial advertisement will be displayed to a viewer. The type of commercial advertising discussed in Roth has absolutely nothing to do with providing an advertisement for stored results data stored in a space service of a distributed computing environment, where the advertisement comprises information to enable access by the client to the stored results data.

In the Response to Arguments, the Examiner refers to the fact that Roth teaches a web page including an HTML reference to a file is transmitted to a browser. When a viewer accesses the web page, Roth's system determines which *commercial* advertisement from a database to present to the viewer. **However, the Examiner fails to make even a basic attempt to explain how Roth's webpage-based file reference can be considered an advertisement to an entry in Brandle's queue 116, which the Examiner argues is the space service of Applicants' claims.**

Claim 1 requires storing the generated results data to a space service and providing an advertisement for those stored results data. Brandle's queue 116 is not only inappropriate for, but also incompatible with, Roth's web page based commercial advertising system. **Providing a reference to a *commercial* advertisement based on various advertiser bids is completely different than storing generated results data to space service in a distributed computing environment where the results data were generated by performing a function on behalf of a client in accordance with information representing a computer programming language call included in message.**

Additionally, since Roth specifically teaches using advertiser bids to determine which commercial advertisement to display to the user, Roth's system is completely inappropriate and incompatible with Brandle's remote procedure call system. Brandle is not concerned with supplying commercial advertisements. Brandle teaches that after a procedure is executed any results are returned to the calling application program. Modifying Brandle to include links to commercial advertisements would not make any sense and would clearly fail to return the results of a procedure call to the calling application.

Furthermore, even if combined as suggested by the Examiner, Brandle and Roth would fail to teach or suggest storing the results from a service performing a function on behalf of a client according to information representing a computer programming language call included in a message generated by the client. Instead, the combination of

Brandle and Roth would result in a system that performs remote procedure calls as taught by Brandle, but also selects an advertisement, based on bids from advertisers, to display to a user via a web page.

In the Response to Arguments, the Examiner contends that the “advertisement of Roth can be used for many different purposes to improve the networking communication of Brandle.” Applicants respectfully disagree. Roth is concerned with providing commercial advertisements from a central server to viewers who access web sites. Roth is not concerned with, nor would his commercial advertisements be appropriate for, improving the network communication of Brandle. The Examiner is clearly relying on an incorrect interpretation of Roth’s teachings.

The Examiner also fails to provide a proper motivation to combine Brandle and Roth. The Examiner asserts that it would have been obvious to combine the teaching of Brandle and Roth, “because Roth’s providing an advertisement for the stored data to the client ... would improve the efficiency of Brandle’s system by providing a very flexible system whereby advertises (sic) can minimize cost and maximize effectiveness while the owner of web sites can obtain the highest[t] possible revenue for displaying advertisements on their site.” However, as noted above, Brandle is not concerned at all with providing commercial advertisements, allowing advertisers to minimize cost and maximize effectively, or about allowing the owner of web sites to obtain higher revenue. The Examiner stated motivation has absolutely nothing to do with Brandle’s system. In fact, the Examiner’s stated motivation is simply a description of the benefits of Roth’s system. Roth specifically states, “[t]he present invention provides a very flexible system whereby advertisers can minimize cost and maximize effectiveness while the owner of web sites can obtain the highest possible revenue for displaying advertisements on their site” (Roth, column 2, line 66 – column 3, line 2). A person seeking to provide commercial advertisements, allow advertisers to minimize cost and maximize effectively, and/or allow the owner of web sites to obtain higher revenue would not be motivated to use Brandle’s system at all. Instead such a person would simply use

Roth's system. **Applicants note that the Examiner has failed to respond to the above argument regarding a lack of proper motivation to combine Brandle and Roth.**

As held by the U.S. Court of Appeals for the Federal Circuit in *Ecolchem Inc. v. Southern California Edison Co.*, an obviousness claim that lacks evidence of a suggestion or motivation for one of skill in the art to combine prior art references to produce the claimed invention is defective as hindsight analysis. In addition, the showing of a suggestion, teaching, or motivation to combine prior teachings "must be clear and particular Broad conclusory statements regarding the teaching of multiple references, standing alone, are not 'evidence'." *In re Dembiczak*, 175 F.3d 994, 50 USPQ2d 1614 (Fed. Cir. 1999). The art must fairly teach or suggest to one to make the specific combination as claimed. That one achieves an improved result by making such a combination is no more than hindsight without an initial suggestion to make the combination.

Therefore, for at least the reasons above, the rejection of claim 1 is not supported by the cited art and removal thereof is respectfully requested. Similar remarks also apply to claims 33 and 51.

In regards to claim 17, Brandle in view of Roth fails to teach or suggest a space service device configured to receive and store results data from service devices in the distributed computing system. The Examiner contends that Brandle's queue 116 is a space service. However, as noted above regarding claim 1, Brandle's queue 116 is merely a software queue and not a space service. Please refer to the remarks above regarding claim 1 for a more details discussion of Brandle's queue 116 and Brandle's failure to teach a space service. Furthermore, Brandle's queue 116 is clearly not a *space service device*. Roth also fails to teach anything about space service devices and thus fail to overcome Brandle's failure to teach or suggest a space service device configured to receive and store results data from service devices in the distributed computing system. Thus, the combination of Brandle and Roth clearly fails to teach or suggest a space

service device configured to receive and store results data from service devices in the distributed computing system.

Additionally in regard to claim 17, Brandle in view of Roth fails to teach or suggest where a service device configured to store results data to the space service device and provide an advertisement for the stored results data to the client device, where the advertisement includes information to enable access by the client device to the stored results data. Please refer to the remarks above regarding claim 1 for a details discussion regarding how the combination of Brandle and Roth does not teach or suggest storing results data to a space service and providing an advertisement for the stored results data.

For at least the reasons above, the rejection of claim 17 is not supported by the cited art and removal thereof is respectfully requested.

Claims Objected To But Otherwise Allowable:

Claims 13, 14, 29, 30 and 59 were objected to as being dependent upon rejected base claims, but would be allowable if rewritten in independent form. In light of the above remarks, Applicants assert that these claims are in condition for allowance in their present form.

CONCLUSION

Applicants submit the application is in condition for allowance, and prompt notice to that effect is respectfully requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5181-57500/RCK.

Respectfully submitted,

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